

IC 21-30-2

Chapter 2. Gift Annuities; Restrictions on Gifts; Gifts for a Permanent Endowment

IC 21-30-2-1

Power to accept gifts

Sec. 1. Any state educational institution or the state of Indiana may:

- (1) receive gifts, bequests, and devises of real or personal property, or both, for the aid or maintenance of any state educational institution; and
- (2) agree to return to the donor or to any living person named by the donor and living at the time of the gift, an annuity under the provisions and safeguards provided in this chapter.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-2

Annuity gifts; conditions

Sec. 2. If the gift is for the purpose of providing an annuity, the gift may be accepted by any state educational institution or by the state upon condition that the state educational institution or the state shall pay to:

- (1) the donor, for the life of the donor or for a term of years not beyond the lifetime of the donor, as may be agreed; or
- (2) any person or persons named by the donor and living at the time of the gift, for the life of the person or persons or for a term of years not beyond the lifetime of the person or persons, as may be agreed;

an annuity on the value of the property at the time the gift is made. The annuity must not exceed the actual income from the property donated.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-3

Determination of gift value

Sec. 3. The value of the property comprised in the gift shall be determined by three (3) disinterested appraisers appointed by the governor, and a gift may not be accepted by any institution named in section 1 of this chapter or by the state itself unless it is approved by the governor.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-4

Security of payment of annuities

Sec. 4. To secure the payment of annuities, the property comprised in the gift may be pledged, by way of mortgage or otherwise, to the annuitant or annuitants for the full period of the life of the annuity or annuities. The property pledged is the sole guarantee and the state shall not be obligated by the mortgage or other obligation.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-5

Tax exemption

Sec. 5. All annuities provided in connection with a gift are free of all taxation within Indiana.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-6

Restrictions on acceptance of gifts

Sec. 6. A state educational institution may not receive a gift, whether on the payment of an annuity or otherwise, that pledges the state educational institution to engage in a course of instruction, or perform an act other than a course of instruction or act that the state educational institution is permitted by law to engage in or perform.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-7

Trusts; management

Sec. 7. All gifts of money, and all money realized from real and personal property made under this chapter to permanently endow:

- (1) a state educational institution; or
- (2) a chair of learning or department in a state educational institution;

shall be taken in charge by the state of Indiana, as a trust, and managed in all respects the same as the common school fund of the state is managed, and the proceeds arising therefrom shall be paid to the state educational institution being endowed for the purposes provided by the terms of the gift.

As added by P.L.2-2007, SEC.271.